IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7324 of 2000

Between:

M/s.Park Wines, IL-24 Licencee
H.No.9-4-7,v Regimental Bazar, Secunderabad,
rep. by its Licencee Satish Kumar Gupta Petitioner

AND

1 The Proh. & Excise Superintendent, Hyderabad district at Hyderabad.
2 The Dy. Commissioner of Proh. & Excise, Hyderabad Division, Hyderabad.
3 The Commissioner for Proh. & Excise, Govt.of A.P., Hyderabad.
4 The Proh. & Excise Inspector, Secunderabad.
5 Sri K.Rajaiah, Addl.Superintendent of Police S.T.F., A.P Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate Writ, Order or Direction preferably a writ in the nature of Writ of Mandamus declaring Cr.No.D1/2502/98, Dt._/11/98 signed on 26-11-98 of the first respondent as confirmed by the second respondent in Cr.No.4927/98/B1, Dt.17-02-99 and third respondent in Cr.No.780/DPE/99/B2, dated 07.04.1999 served on 13-3-2000 and Cr.No.930/2000/B1, dt.29-03-2000 of the second respondent in refusing to furnish the copies of the entire statements of all the panch witness and the consumers recorded on 23-01-99 as illegal, arbitrary and against principles of natural justice and direct the second respondent to furnish the copies of the entire statements of all the panch witness and the consumers recorded on 23-01-99 and suspend the operation of Cr.No.D1/2502/98, Dt._/11/98 signed on 26-11-98 of the first respondent as confirmed by the second respondent in Cr.No.4927/98/B1, dt.17-02-99 and third respondent in Cr.No.780/DPE/99/B2, dt.07-04-99 served on 13-03-2000 and direct the first respondent to consider the licence of the petitioner for renewal for the excise year 2000-2001.

Counsel for the Petitioner: MR.T.AMARNATH GOUD

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

O R D E R :

Heard both sides.

The petitioner seeks to assail the action on the part of the respondents herein in not considering the petitioner's case for renewal. It is submitted that having regard to the inspection conducted on 06.05.1998, certain irregularities were found and the petitioner's licence was suspended pending enquiry. Thereafter, though the period of licence was expired, the petitioner's request for renewal was not considered.

Having regard to the long lapse of time, I do not find any justification to interdict at this stage especially under Article 226 of the Constitution of India, more so in view of the allegations as made against the petitioner. In the circumstances, the Writ Petition is disposed of accordingly, giving liberty to the petitioner to apply afresh for grant of licence which shall be considered on merits in accordance with law.

03.11.2004

DRK

Copy to:

1 The Proh. & Excise Superintendent, Hyderabad
2 The Dy. Commissioner of Proh. & Excise,

Hyderabad Division, Hyderabad.

3 The Commissioner for Proh. & Excise,
Govt.of A.P., Hyderabad.

4 The Proh. & Excise Inspector, Secunderabad.

5 Two CCs to the G.P. for Prohibition & Excise, High Court of Andhra Pradesh, High Court buildings, Hyderabad (o.u.t.).

6 Two CD copies.